# HAMPTON PLANNING BOARD – MINUTES November 2, 2005 – 7:00 PM

**PRESENT:** Tracy Emerick, Chairman

Tom Higgins, Vice Chairman

Fran McMahon, Clerk Cliff Pratt, Selectman

Keith Lessard Bob Viviano

Bill Bilodeau, Alternate James Steffen, Town Planner

**ABSENT:** Tom Gillick

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Viviano led the Pledge of Allegiance to the flag.

Chairman Emerick announced that November 14, 2005 begins the period for Zoning Ordinance changes.

#### CAPITAL IMPROVEMENT PROGRAM REPORT

Fran McMahon presented the CIP report. He listed the Committee members, and read the report.

### **PUBLIC**

Chairman Emerick asked if anyone wished to speak on the report.

Mr. Morey Friedman asked for a copy of the report.

**MOVED** by Mr. McMahon to adopt this report.

SECOND by Mr. Lessard

VOTE: 7-0-0 - MOTION PASSED

Chairman Emerick stated that it has been 11 years since there has been an update of the Town Facilities Master Plan. Mr. Steffen indicated that this should be done every 10 years. Chairman Emerick indicated that it is time to start having public hearings on this Plan. Mr. Steffen said there was money proposed in next year's budget to work with the Regional Planning Commission on the Town Facilities Master Plan.

Chairman Emerick said that the Board would begin this process. He said the Board would reach out to the public for volunteers for a committee to work on this.

Mr. Friedman said he is concerned that there are needs in Town that are not being met, and, at the same time, the Town is offering land to the State. He suggested that a Master Plan should be put together that will provide some direction to the Town in satisfying the needs of its citizens. He commented that there is a facility used by a group under Town auspices that does not meet building code. He indicated that he has started to do some research and has learned that the ideal place for community functions is in a central location. He indicated that it has been stated that planning in Hampton is haphazard. He would like this to be looked at and give some promise to the citizens that conscientious planning will be done.

#### CONTINUED PUBLIC HEARINGS

Jane B Gallagher SP5-4

Special Permit to Impact Wetlands Conservation District at

31 Harbor Road

Map 295 Lot 62

Owner of Record: Jane B Gallagher

Mr. Steffen said that the applicant has requested continuance to the December 7th meeting of the Planning Board.

**MOVED** by Mr. Lessard to continue the above referenced application to the December 21<sup>st</sup> meeting of the Planning Board.

**SECOND** by Mr. Higgins

VOTE: 7-0-0 MOTION PASSED

#### **NEW PUBLIC HEARINGS**

1. Winnacunnet Realty Trust

LL05-03

Jeffrey Eiras, Trustee &

Seacoast United Soccer Club

Minor Lot Line Adjustment at

321 Winnacunnet Road

Map 206 Lot 36

Waiver from Subdivision Regulations Section V.E. (Detailed Plan)

Owners of Record: Winnacunnet Realty Trust & Seacoast United Soccer Club

Scott Frankiewicz of Beals & Associates presented this application. He described the application.

Mr. Pratt recused himself from this application because of an ongoing action between the Town and Seacoast United Soccer Club.

### **BOARD**

Board members asked Mr. Frankiewicz several questions about the property line.

#### **PUBLIC**

No comment

#### **BOARD**

Mr. Lessard asked for clarification that if Seacoast United plans to do anything with this land, they have to come back before the Board for a Site Plan Review.

Mr. Frankiewicz clarified that <sup>3</sup>/<sub>4</sub> of the transferred land is wetland.

MOVED by Mr. Viviano to grant the waiver

**SECOND** by Mr. Bilodeau

VOTE: 6-0-1 - MOTION PASSED

**MOVED** by Mr. Viviano to grant the lot line adjustment at 321 Winnacunnet Road, Map 206 Lot 36, subject to the following conditions:

- Prior to final approval, the applicant shall submit final plans, recordable Mylar, and applicable recording fees.
- Receipt by the Planning Department of a Certificate of Monumentation.

**SECOND** by Mr. Bilodeau

VOTE: 5-1-1 - MOTION PASSED

2. Norman V Krukonis SP05-09

Special Permit to Impact Wetlands Conservation District at

970 Ocean Boulevard

Map 152 Lot 21

Owner of Record: Norman V & Gloria C Krukonis

3. Roy Urdanoff SP05-10

Special Permit to Impact Wetlands Conservation District at

972 Ocean Boulevard

Map 152 Lot 20

Owner of Record: Roy Urdanoff

Mr. Norman Krukonis and Mr. Roy Urdanoff presented their applications. Mr. Krukonis indicated they wished to add rocks to the wall to fill in where the wall has eroded over time.

**BOARD** 

No Comments

**PUBLIC** 

No Comments

**BOARD** 

Mr. Higgins asked for clarification of the type of construction of the neighbors' walls.

Mr. Viviano asked if the wall was all on their property. The applicants responded that it is.

MOTION PASSED

**MOVED** by Mr. Lessard to approve the Special Permit for 970 Ocean Boulevard, Map 152, Lot 21, subject to approval of the State of New Hampshire Wetlands Bureau and the following conditions:

- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. (Silt fence and hay bales)
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- Spot elevation grades shall be submitted prior to construction and upon completion.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project.

**SECOND** by Mr. McMahon

VOTE: 7-0-0 - MOTION PASSED

**MOVED** by Mr. Lessard to grant the Special Permit for 972 Ocean Boulevard, Map 152, Lot 20, subject to approval of the State of New Hampshire Wetlands Bureau and the following conditions:

- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place
  until the area is stabilized and removed after construction is complete. (Silt fence and hay
  bales)
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- Spot elevation grades shall be submitted prior to construction and upon completion.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project.

**SECOND** by Mr. Higgins

**VOTE: 7-0-0** -

4. Dory In Condominium Association SP05-11 Special Permit to Impact Wetlands Conservation District at 1044 Ocean Boulevard Map 116 Lot 8

Owner of Record: Dory In Condominium Association

Reverend Henry Stonie, a unit owner, presented this application. He indicated that he has been delegated by the condominium association to present the proposal to replace the riprap that was damaged by the spring storms.

He indicated that the proposal was given to the DES in August and to the Conservation Commission. He said the unit owners, in presenting their proposal to the Conservation Commission, raised the possibility of putting a concrete wall at one section of the stone wall. He stated that, depending on cost and affordability, a second phase of the project would be to replace the damaged section of concrete wall.

### **BOARD**

There was discussion of the location of the steps. The Conservation Commission had indicated that the steps could not encroach further east. Also, the Conservation Commission requires that the rocks on the beach be placed back in the footprint of the wall.

Mr. McMahon asked if the step issue could be addressed by eliminating one of the three sets of steps.

Rev. Stonie indicated that this was not a viable option.

**PUBLIC** 

No comment

**BOARD** 

Mr. Lessard asked when the pictures in the application were taken. The current pictures were taken in May.

**MOVED** by Mr. Pratt to grant the Special Permit at 1044 Ocean Boulevard, Map 116 Lot 8. **SECOND** by Mr. Lessard, subject to State approval and the following conditions:

- The rocks that have washed onto the public right of way along the beach will be placed back into the original footprint of the riprap.
- The cement stairs poured onto the riprap wall will be secured at the bottom to maintain safe egress to the beach without encroaching further onto the public access of the beach.
- There will be no further encroachment to the east.
- The repaired wall will maintain the existing height and original footprint.
- The cement repair will be placed along its original footprint.

VOTE: 7-0-0 - MOTION PASSED

Florence Loosigian 5-12SP
 Special Permit to Impact Wetlands Conservation District at 15 Thornton Street
 MAP 303 Lot 5

Owner of Record: Florence Loosigian

Ms. Loosigian presented her application. She indicated she would like to fix the riprap. She indicated she had repaired the wall in 1998. It deteriorated again this past winter.

#### **BOARD**

Mr. Higgins indicated that the stairs and decks to the beach are not shown on the plan. Ms. Loosigian indicated that she did received permission for these.

**MOVED** by Mr. Lessard to grant the Special Permit for 15 Thornton Street, Map 303, Lot 5, subject to State approval and the following conditions:

- Final plans will be submitted to the Planning Department, showing the decks and stairs. These final plans will become part of the application.
- The wall will not encroach any further northward onto Town land.
- Dune grass will be planted on the south side of the wall to stabilize the dunes.
- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. (Silt fence and hay bales)
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- Spot elevation grades shall be submitted prior to construction and upon completion.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection f any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project.

**SECOND** by Mr. Higgins

VOTE: 7-0-0 MOTION PASSED

7. Seven Merrill Drive Real Estate LLC

5-34SUB

2-Lot Subdivision at

7 Merrill Industrial Drive

Map 142 Lot 4

Waiver from Subdivision Regs Sections V.E. 4, 9, 10, 12, and 14.

Mr. Peter Saari, Attorney, and Tom Moulton, Applicant, presented this application. Mr. Saari stated the reason for the waivers is that currently this will be a subdivision only. He said that the applicant will come before the Board at a later date to construct on the lots.

Mr. Saari indicated that this consisted of 2 lots at one time and had been combined. The intent is to split it in half again.

**BOARD** 

No questions

**PUBLIC** 

No comments

#### **BOARD**

Mr. Steffen stated that the plans did not have the stamp of a land surveyor, which should be required. Also, the applicant needs to check with the Town Assessor for correct lot numbers.

**MOVED** by Mr. Lessard to grant waivers from Subdivision Regulations Sections V.E. 4, 9, 10, 12, and 14.

**SECOND** by Mr. Pratt

VOTE: 7-0-0 -

MOTION PASSED

**MOVED** by Mr. Lessard to grant the 2-lot subdivision at 7 Merrill Industrial Drive Map 142 Lot 4, subject to the following conditions:

- The final plan shall include the stamp of a licensed New Hampshire Land Surveyor.
- The applicant shall check with the Assessor to get the correct map and lot numbers for the newly created lots.
- Prior to final approval, a certificate of monumentation, recordable Mylar and final plans shall be submitted to the Planning Department.

**SECOND** by Mr. Bilodeau

VOTE: 7-0-0 - MOTION PASSED

 AMB Custom Structures & Design, Inc. 5-35SP Special Permit to Impact Wetlands Conservation District at 39 Ocean Drive Map 305 Lot 42

Owner of Record: Paul S. & Diane M. Tower

The applicant was not present.

Chairman Emerick stated that the only thing this applicant needed the Special Permit for was the chain link fence, however, at this time they have decided not to do anything with the fence. The house being constructed is not within the Town wetland buffer. The Conservation Commission has asked that the applicants plant dune grass.

Chairman Emerick stated that the Board would act on the special permit to enforce the Conservation Commission letter.

**MOVED** by Mr. Pratt to grant the special permit at 39 Ocean Drive, Map 305 Lot 42, subject to the following condition:

• The applicant will plant dune grass to maintain the viability of the sand dunes along the fence within the Town's Wetland Conservation District.

**SECOND** by Mr. Bilodeau

There was discussion of the actual land on the plans and the public access area.

VOTE: 5-2-0 MOTION PASSED

8. Dovaro 12 Atlantic, LLC

5-36CC

Condominium Conversion at

12 Atlantic Avenue

Map 296 Lot 40

Waivers from Subdivision Regs Section V.E (Detailed Plan)& VII.C (Storm Drainage)

Owner of Record: Dovaro 12 Atlantic, LLC

Peter Saari, Attorney, and Ernie Cote, Surveyor, presented this application. Mr. Saari stated that this was a straightforward condominium conversion. He stated that the owner's intent was to designate parking spaces as units were purchased.

### **BOARD**

Mr. Steffen indicated that the Certificates of Occupancy for the property is for seasonal use only.

Mr. Saari said the owner had stated the CO's were for year round use. This is an issue that needs to be addressed.

Mr. Higgins pointed out that there are 2 legal parking spaces for 7 units. He also indicated his concern is that they not deed parking spaces, because there are only 2 spots.

Mr. McMahon asked if the plan conformed to the infrastructure project. There will be no new sidewalks at this time in this area. There will be sewer done only.

#### **PUBLIC**

Ann Hardy, 14 Atlantic Avenue, asked about the rules for parking. She was advised that for new construction 2 spaces per unit are required. Since this is a conversion, the rule doesn't apply. She stated that parking is an issue on the street now.

Her other issue is the storm drainage waiver.

She asked if there were any changes to the rear unit. It was stated that there will be none.

Michelle Bourbeau, 10 Atlantic Avenue, stated there is only one curb cut to the property. The front space is not really a space. She presented a picture of the front of the structure. She said this property has always leased spaces. She feels this will create a parking problem for everyone on the street. She would also like to know where utility meters will go on the property, as they are not indicated on the plan.

Paul Bourbeau, 10 Atlantic Avenue, stated that it is difficult now to deal with just one owner. To have 7 separate owners will exacerbate an existing problem. He also stated that this is a 2-family (RB) zone, not a multi-family zone. He feels the Board will be creating a problem by granting this change of ownership to a non-conforming multi-family property.

## **BOARD**

Mr. Higgins indicated that if the property were to have intensified use by being occupied on a year-round basis, there would be a problem with parking on Atlantic Avenue. Overnight parking on the street is not allowed during the winter.

Mr. Lessard asked if the Board should send this application to Town Counsel for a legal opinion. The Board cannot control the form of ownership, but an opinion is needed on the parking situation.

In past conversion applications, illegal stacked parking situations were for the same units. In this case, there is stacked parking for multiple units.

Mr. Lessard asked if the owner has a variance for parking.

**MOVED** by Mr. Higgins to deny the application for

- Lack of accessible parking for each unit, with an adverse effect on the neighborhood.
- Intensification of the use if year-round Certificates of Occupancy are sought.

**SECOND** by Mr. Bilodeau

Mr. Steffen advised against this motion. A discussion of the motion took place.

#### VOTE: 4-3-0 -

### MOTION PASSED

9. Frederick & Elaine Ayotte

5-37CC

Condominium Conversion at

8 Highland Avenue

Map 282 Lot 63

Waiver from Site Plan Regulations Section V.E (Detailed Plans)

Owner of Record: Frederick & Elaine Ayotte

Peter Saari, Casassa & Ryan, and Joe Coronati, Jones & Beach Engineers, presented this application. Mr. Coronati stated this was a straightforward condominium conversion. There are 3 parking spaces on site. Each unit will have a means of ingress and egress by parallel parking. The spaces are 9 feet wide. The clearance is 6 feet.

### **BOARD**

Mr. Higgins asked the width of the curb cut. Mr. Coronati said it is about 16 feet. Mr. Higgins stated that this constituted one legal parking space for three units.

An easement would be needed for access to the entire driveway, since a portion of the driveway is owned by the abutting property.

#### **PUBLIC**

No comment

#### **BOARD**

Mr. Coronati said there were 3 year-round Occupancy Certificates for the property.

**MOVED** by Mr. Lessard to continue this application to the Board's November 16<sup>th</sup> meeting for corrected plans showing dimensions and an easement for the non-owned portion of the driveway. **SECOND** by Mr. Higgins

VOTE: 7-0-0 -

MOTION PASSED

10. Maplecroft Building & Development LLC

5-38SITE

Site Plan Review at

18-20 Keefe Avenue

Map 290 Lots 68 & 69

Waiver from Subdivision Regs Section VII.C.5 (Peak rate of runoff) Owner of Record: Twenty Keefe Ave Realty Trust, John Kopka III

10a. Jones & Beach Engineers, Inc.

5-39SP

Special Permit at

20 Keefe Avenue

Map 290 Lots 68 & 69

Owner of Record: Twenty Keefe Ave Realty Trust, John Kopka III

Mr. Joe Coronati, Jones & Beach Engineers, Peter Saari, Casassa & Ryan, and Shannon Alther, TMS Architects, presented this application. Mr. Saari described the project.

Mr. Coronati described the project with Conservation Commission comments addressed. He indicated the parking lot would be a gravel lot. He indicated that the landscaping plan for the rear of the building needs to be modified.

Mr. Higgins asked for a review of all the variances granted. The height variance was for 5 feet for the cupola. The front and side setbacks were for 5 feet, rather than the required 40 feet. And the recreation area variance was from the requirement for 4,000 square feet to no recreation area.

Mr. Alther then described the building plans. The front two buildings would be duplexes and the rear building would be six units – two flats on the first floor and four 2-story townhouses on the  $2^{nd}$  and  $3^{rd}$  floors.

Mr. Coronati said that an existing retaining wall will be extended to assist with water control.

#### **BOARD**

Mr. Higgins asked about the fencing

Mr. Lessard asked about the drainage plan. Mr. Coronati said that after Conservation Commission review, changes are needed to the drainage plan. There will be subsurface drainage. They will try to get roof and parking lot runoff underground and treat it. Mr. Coronati said new drainage plans will be submitted within the next week.

Mr. Lessard asked if they will do anything in the front where it puddles all the time. Mr. Coronati said there will be new grading for the whole site.

Mr. Lessard asked if the driveway elevation will change. Mr. Coronati said the driveway will be sunk so that the water can be collected by the drainage system and will not flow to the neighbors, as it does currently. He said there will be outfalls on the sides of the buildings.

Mr. Coronati described plans to extend an existing draining wall and to construct a fence.

There was a question regarding snow removal. Mr. Coronati pointed out the snow storage areas on the plan.

Mr. Lessard asked about the paved area. Mr. Coronati indicated that this is a turnaround area for a fire truck. Mr. Coronati said the surface will be Gravel-Pave. This is a pervious surface.

There was a question regarding trash storage and removal. There will be two rolling dumpsters outside for trash. It is private trash removal.

Mr. Lessard asked about the lighting plan. Mr. Coronati explained the lighting plan.

Mr. McMahon asked about the parking. Each duplex has a single-car garage. There are extra spaces outside. There will be assigned parking spaces.

#### **PUBLIC**

George Blake, 19 Manchester Street, stated there will be 5 feet from his property to the structure. He is concerned about drainage onto his property.

Mr. Coronati described the process and said the Town engineer would inspect the construction to ensure that the building is done according to plan.

## **BOARD**

Mr. Steffen said that if the Board decides on a gravel driveway, a waiver will be needed, because the regulations require paving. This should be done prior to final approval.

Mr. Lessard asked if the application was complete without the new drainage plans.

Mr. Coronati said the applicant is on the November 22nd Conservation Commission agenda.

Mr. Steffen advised that a Notice of Lot Merger would need to be done as a condition of approval. Departmental review will be needed, as well as review of building design plans by the Hampton Beach Area Commission.

**MOVED** by Mr. Pratt to accept jurisdiction to a date certain of December 21<sup>st</sup>; to send the application out for departmental review; to establish a \$2,000 professional review escrow, and to refer the applicant to the Hampton Beach Area Commission for building design review.

**SECOND** by Mr. Higgins

VOTE: 7-0-0 -

MOTION PASSED

## III. CONSIDERATION OF MINUTES of October 19, 2005

Page 1 - correct attendees

Page 2 – correct continuance date for Ayotte application

Page 3 – First line – delete 368; Add "Yes" after Mr. Higgins asked ...

Page 5 – Add "Yes" after "asked if the driveway would remain permeable"

**MOVED** by Mr. Lessard to accept the minutes as amended.

SECOND by Mr. McMahon

**VOTE: 6-0-1** -

MOTION PASSED

#### IV. OTHER BUSINESS

<u>63 Barbour Road</u> - For the information of the Board, the Conservation Commission wrote a letter stating the Commission had conducted a site inspection of this property. To correct the Special Permit violation, the Commission has requested that the following items be addressed:

- The fill is cleaned up and loose roots, rocks, metal and other debris is removed.
- A few inches of loam is added and the buffer is seeded. The grass must live through 2 consecutive growing seasons. If it does not, it must be reseeded until it lasts for 2 growing seasons.
- The added loam does not increase the elevation of the site beyond that originally specified by the elevations on the restoration plans.
- The silt fence and hay bales are repaired around the edge prior to any more work at the property.
- The lawn care must meet the Shoreland Protection Act constraints.
- The Conservation Commission will be notified when the project is complete and will OK the removal of the silt fence after the grass has taken root and there is no longer any danger of erosion.

The Board discussed the situation at this address.

<u>Conservation Commission</u> - Planning Board representatives to the Conservation Commission for the next 6 months are as follows:

November - Tracy Emerick December - Keith Lessard January - Tom Higgins February - Fran McMahon March - Bob Viviano

# April - Tom Gillick

In March the remainder of the year will be addressed.

Golden Corridor -had to amend their DES wetlands permit because of changes made during construction (additional grading and a moved transformer box). They have not applied to amend their Special Permit. They are going back to the Conservation Commission. The Conservation Commission has also asked them to remove a fence they have put in on Town land, blocking access to the public beach. This fence was not on the original plan. The Conservation Commission is asking the Planning Board to draft a letter saying that the fence needs to be removed.

Mr. Lessard indicated that he would like to see this developer come in with current plans reflecting all of the changes that have been made.

Mr. Higgins asked if the Board ever received a copy of the State permit for the new dock that was constructed and extended illegally. It needs to be confirmed that this was ok'd with the State. Mr. Lessard commented this developer keeps pushing boundaries and then asking for forgiveness. Chairman Emerick stated that he doesn't know if the Board has the authority to enforce the plans or to ask for new plans. Mr. Steffen indicated that Golden Corridor will need to come to the Planning Board for the amended Special Permit. Mr. Lessard instructed Mr. Steffen to advise this developer to be prepared to address the changes made at that time. Chairman Emerick stated he would research the writing of a letter with Town Counsel and the Building Inspector would be copied on that letter.

<u>Dunkin Donuts</u> - Bond reduction request for Dunkin Donuts for \$5,000.

**MOVED** by Mr. Lessard to release the bond for Dunkin Donuts

**SECOND** by Mr. Higgins

VOTE: 7-0-0 MOTION PASSED

<u>Salt Creek Condominiums</u> - Bond release request for Salt Creek Condominiums on Acadia Avenue.

The work is done except for the landscaping. They are requesting that the bond be reduced to \$17,500 to cover the landscaping, however, they now want to change the landscaping plan. They have met with the Public Works Director, and he has informed them that they need to return to the Planning Board with a modified landscaping plan. The Board voted to give the developer until the end of December 2005 to return with a modified landscaping plan or the bond will be called.

**MOVED** by Mr. Higgins to not release the bond at this time.

**SECOND** by Mr. Bilodeau

VOTE: 7-0-0 MOTION PASSED

707 Ocean Boulevard - Mr. Viviano raised an issue with respect to construction at 707 Ocean Boulevard. Substantial progress has not been made. Concrete walls have been put up on the property, and the neighbors are becoming upset. The site does not appear to be safe.

**MOVED** by Mr. Pratt to adjourn **SECOND** by Mr. Viviano **VOTE:** 7-0-0

**MOTION PASSED** 

Meeting adjourned at 9:21 PM.

Respectfully Submitted, Barbara Renaud Planning Board Secretary